

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: March 30, 2009

COUNCIL DISTRICT: 6
SNI AREA: N/A

SUBJECT

C09-005. Conventional Rezoning from LI Light Industrial Zoning District to CP Commercial Pedestrian to allow Residential/Commercial Mixed Uses on a 0.15 gross acre site, located on the northwest corner of Stockton Avenue and West Julian Street.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed rezoning from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District to allow residential/commercial mixed uses on a 0.15 gross acre site located on the northwest corner of Stockton Avenue and West Julian Street.

OUTCOME

Should the City Council approve the Conventional Rezoning, the applicant would be able to use the existing building for the uses allowed by the CP Commercial Pedestrian Zoning District.

BACKGROUND

On April 8, 2009, the Planning Commission held a public hearing to consider the proposed Conventional Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. The project was on the evening's consent calendar and there was no separate discussion involving the project.

The Planning Commission voted 7-0-0 to recommend approval of the project.

ANALYSIS

A complete analysis of the issues regarding this project, including General Plan conformance, is contained in the attached staff report.

EVALUATION AND FOLLOW-UP

The applicant may be required to file subsequent tenant improvement permits with the Building Division in order to implement new uses in the existing building.

POLICY ALTERNATIVES

Not Applicable

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

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BUDGET REFERENCE

Not applicable.

CEQA

The environmental impacts of this project were addressed by a Negative Declaration adopted for GP00-06-08 on July 26, 2001. The Negative Declaration states that no significant impacts will result from the subject project.



JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Ed Schreiner, Project Manager at 408-535-7845.

Attachments:

Draft Development Standards

STAFF REPORT
PLANNING COMMISSION

File No.: C09-005

Submitted: 01/22/09

PROJECT DESCRIPTION: Conventional Rezoning from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District to allow residential/commercial mixed uses on a 0.15 gross acre site.

LOCATION: Northwest corner of Stockton Avenue and West Julian Street (715 West Julian Street)

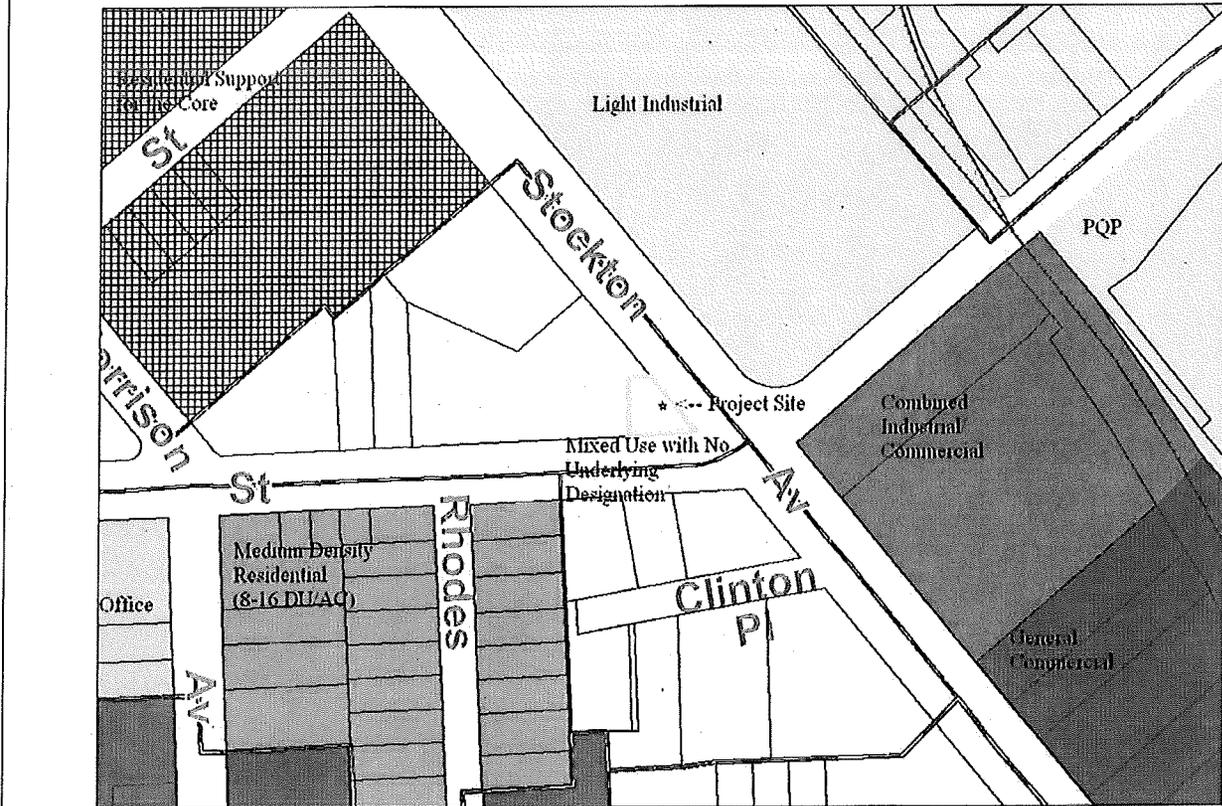
Existing Zoning	LI Light Industrial
Proposed Zoning	CP Commercial Pedestrian
General Plan	Mixed Use with No Underlying Designation
Council District	6
Annexation Date	12/8/1925
SNI	N/A
Historic Resource	N/A
Redevelopment Area	N/A
Specific Plan	N/A

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N

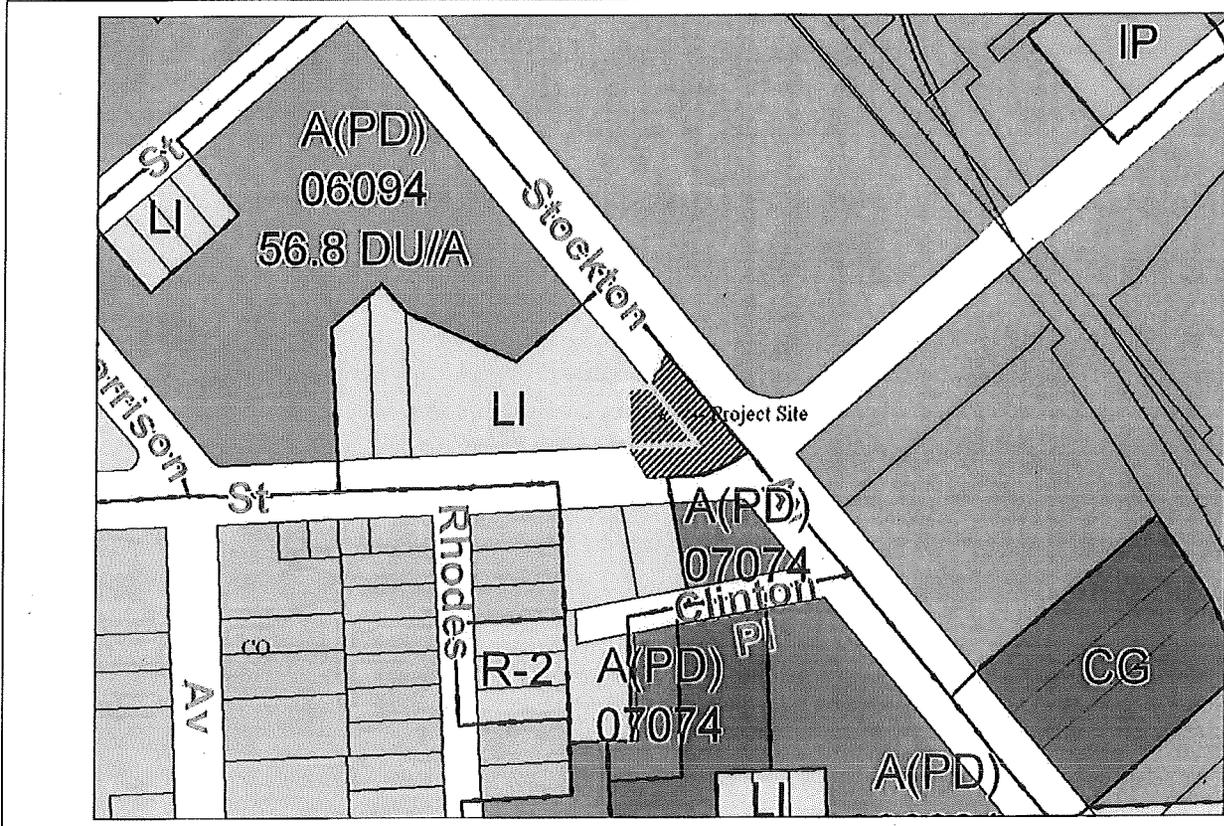
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed conventional rezoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram's designation of Mixed Use with No Underlying Designation.
2. The proposed rezoning would allow commercial uses on this site that are compatible with the surrounding uses.

BACKGROUND & DESCRIPTION

The applicant, Damian Speno for Anthony A Speno Trustee et al, is requesting a conventional rezoning of the subject property from the LI Light Industrial to the CP Commercial Pedestrian Zoning District to allow mixed use. The site is roughly triangular in shape, with approximately 110 feet of frontage along Stockton Avenue and 90 feet of frontage along West Julian Street. The site is surrounded by a mixture of commercial and industrial uses on all sides.

The 0.15 gross acre site is currently developed with two structures; a 5,371 square foot mixed use building with 3,712 square feet of tenant space on the ground floor and apartments above and a 1,661 square foot two-story single-family residence. These buildings are considered legal non-conforming, because they were legally constructed in 1920, prior to the adoption of the City's first Zoning Ordinance in 1929.

GENERAL PLAN CONFORMANCE

The proposed rezoning to the CP Commercial Pedestrian Zoning District would be consistent with the site's General Plan Land Use/Transportation Diagram designation of Mixed Use with No Underlying Designation in that this designation supports mixed use, potentially allowing up to 230 residential units and 58,000 square feet of retail in an overall 4.18 acre area. The CP Commercial Pedestrian Zoning District would allow for uses consistent with this Mixed Use designation.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Negative Declaration adopted for GP00-06-08 on July 26, 2001. The Negative Declaration states that no significant impacts will result from the subject project.

ANALYSIS

The proposed rezoning to CP Commercial Pedestrian Zoning District would facilitate mixed uses consistent with the enumerated uses noted in the Zoning Ordinance and the Mixed Use with No Underlying Designation General Plan land use designation, and be compatible with surrounding commercial/industrial uses.

Under the proposed rezoning, the single-family house would retain its legal non-conforming status. Conversion of the residence to a non-residential use would require a Special Use Permit, approved by the

Director of Planning. Per Code Section 20.150.050, any expansion of the single-family house would require a Special Use Permit. Code Section 20.150.090 requires single-family uses to maintain front and side setbacks as if it were located in an R-1-8 residence district.

The existing LI Light Industrial Zoning District allows industrial uses on the first floor of the mixed use building, which would not be compatible with the residential uses on the second story. The applicant wishes to permit standard retail commercial uses in the first floor of the mixed use building. Historically, retail uses have existed on the first floor, including a bar and a hair salon, however the existing zoning has limited the tenants that the property owner can attract and the space has been generally underutilized.

The CP Commercial Pedestrian Zoning District allows mixed use with a Conditional Use Permit (CUP). However, since the building is legal non-conforming, and the mixed-use configuration has already been established as a part of the construction of the building itself, a subsequent CUP would not be required to establish the mixed use arrangement. Retail commercial uses allowed by right could commence once the rezoning is effective, without further Planning review, provided there are no exterior changes to the building. Otherwise compliance with the Zoning Ordinance is required.

The existing site has a very minimal amount of parking (approximately four spaces) and would not meet current zoning parking standards. However, Section 20.90.210 of the Zoning Ordinance states that for structures or uses commenced prior to November 10, 1965 (the building was constructed in 1920), if there is not a substantial change in use (resulting in a parking demand increase of more than 40%), no additional off-street parking is required.

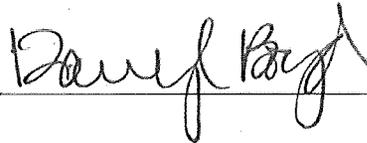
According to Business listings from 1965, the number of existing residences on the site was the same and the first floor of the mixed use building was occupied by a restaurant, which has a higher parking demand than most standard commercial uses. While no exact floor plan is readily available for how the restaurant was laid out, generally restaurants have approximately 50% of floor area dedicated to seating (1,856 square feet in this case). Based on the current code requirement of 1 space per 40 square feet of dining area, the parking demand would be 47 spaces. It is unlikely that a first floor commercial use would have greater than a 40% increase in parking demand, as a standard retail or personal service use would generate a parking demand of approximately 16 spaces. If a restaurant use were to occupy the space, a parking analysis would be performed as part of the tenant improvement process, to ensure that the substantial change in use threshold is not exceeded.

PUBLIC OUTREACH/INTEREST

The property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. This staff report has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

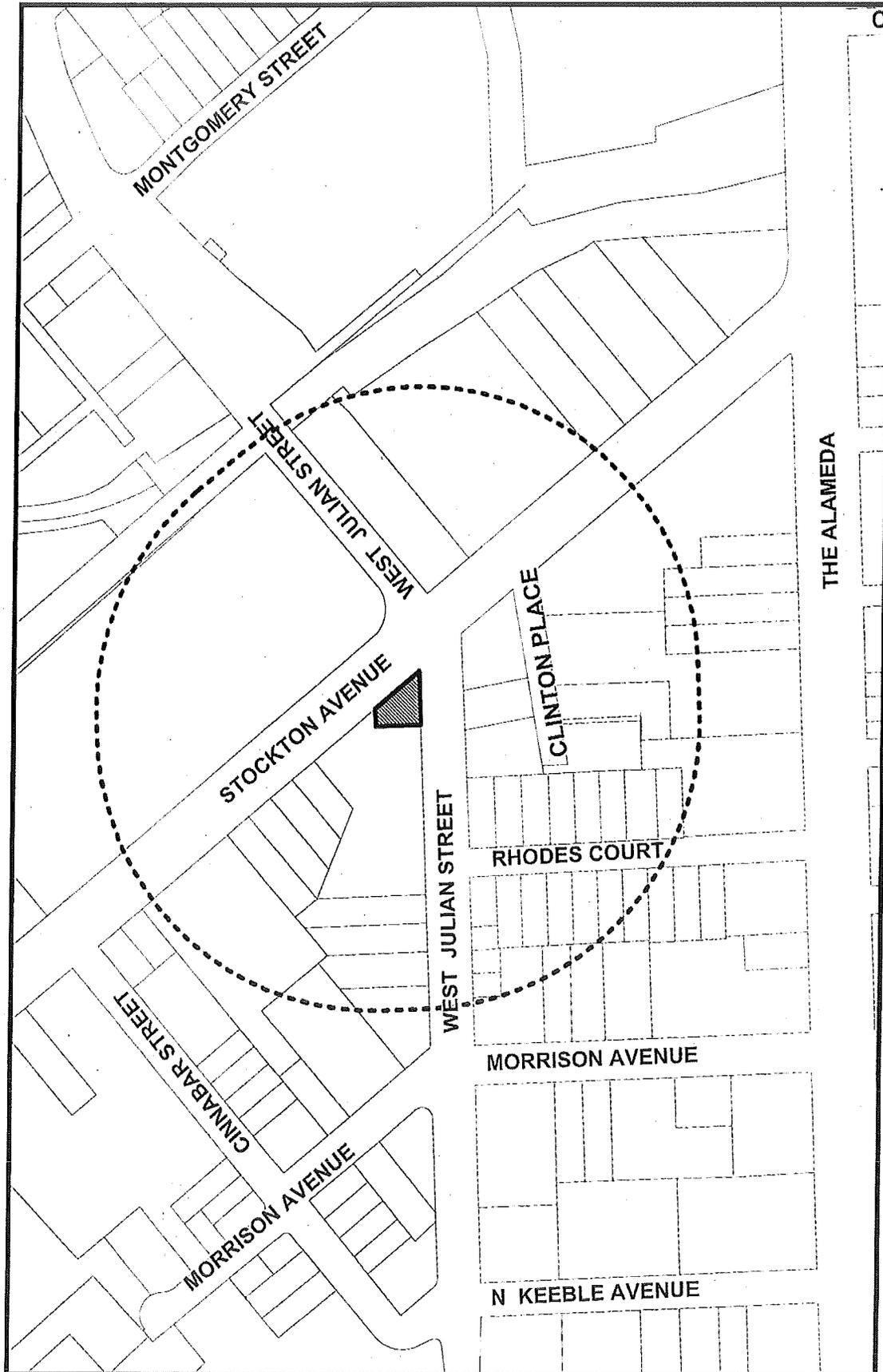
Project Manager: Ed Schreiner

Approved by:



Date: 3/30/2009

Owner/Applicant: Damian Speno 5951 Glowing Court San José, CA 95120	Attachments: Location map
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File No: C09-005

District: 6

Quad No: 83

Approx. Scale: 1" = 250'
Map Created On: 01/22/2009
Noticing Radius: 500 feet

